In the High Court of Judicature for Rajasthan
Jaipur Bench
**
Cr. Msc. Petition No.51/2005
Dharmendra Gupta ***Versus*** State

Date of Order ::: 12/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. Surendra Sharma, for petitioner

Instant petition has been filed by petitioner who claims himself to be power of attorney holder filed application U/s 451/457 CrPC, for release of Tanker (RJ-20-G-2427) on superdgi but the same was dismissed by trial Court vide order dt. 21/09/04 – against which revision petition was preferred but Court of Revision partly allowed the same and ordered that after separating the Tanker from vehicle in question on expenses to be borne out by petitioner, remain part of the vehicle be released on superdgi to him vide order dt.17/11/04.

FIR-211/04 was lodged by complainant Manoj Kumar Sharma and registered at PS Itawa (Kota) for offences U/s 407 & 420, IPC against registered owner of Tanker & driver whereof.

However, since application for release of tanker has been moved by power of attorney holder and not by registered owner whereof, this Court is not inclined to consider application particularly when

registered owner of the tanker is one of accused.

Counsel for petitioner has informed that later on challan was filed; after taking cognizance and framing of the charges, the trial is pending. In changed circumstances, this Court considers to direct the petitioner to file fresh application through its registered owner for release of tanker on superdgi.

Consequently, misc. petition fails and is hereby dismissed. However, registered owner of tanker in question will be at liberty to file application for release of the tanker on superdgi and if such application is made, trial Court may examine the same independently in accordance with law.

(**Ajay Rastogi), J.**

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